

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL ABNER et al.,

Plaintiffs,

v.

FEDERAL EXPRESS CORPORATION,
successor by merger to FEDEX GROUND
PACKAGE SYSTEM, INC.,

Defendant.

CIVIL ACTION

No. 2:24-cv-01129-RJC

**FEDERAL EXPRESS CORPORATION'S
MOTION FOR ADDITIONAL PAGES
FOR MEMORANDUM IN SUPPORT OF
RULE 11 MOTION**

Defendant Federal Express Corporation, successor by merger to FedEx Ground Package System Inc., (“FedEx”) respectfully requests an additional 5 pages, for a total of 25 pages, for its Memorandum in Support of Motion for Rule 11 Sanctions to Dismiss Plaintiffs’ First Amended Complaint (“Rule 11 Motion”), in the event that it needs to be filed, based on the following:

1. On August 6, 2024, Lichten & Liss-Riordan, P.C. (“LLR”) filed a mass action complaint against FedEx, bringing individual FLSA and state law claims on behalf of over 11,000 Plaintiffs. (ECF No. 1.)

2. Before serving FedEx, on September 24, 2024, LLR filed an amended complaint that removed 298 Plaintiffs. (ECF No. 17.)

3. LLR sent a request for waiver of service of the amended complaint on October 3, 2024, which FedEx returned the same day, making FedEx’s response to the amended complaint due on December 2, 2024.

4. In accordance with Rule 11(c)(2), FedEx served the Rule 11 Motion on Plaintiffs’ counsel on November 7, 2024, requesting that Plaintiffs voluntarily dismiss the amended complaint without prejudice within 21 days, by November 29, 2024. If Plaintiffs do not dismiss the amended complaint, FedEx will file its Rule 11 Motion on December 2, 2024.

5. The memorandum in support of its Rule 11 Motion that FedEx served on Plaintiffs’ counsel on November 7, 2024, was 25 pages.

6. Plaintiffs’ dismissal of the amended complaint within the Rule 11 safe harbor time period would obviate the need for FedEx to file its Rule 11 motion. However, in the event FedEx needs to file its Rule 11 Motion, which it would do on December 2, 2024, 5 additional pages are needed.

7. Pursuant to Judge Colville's Standing Order and Procedures re: Civil Motion Practice, briefs in support of motions to dismiss are limited to 20 pages. Provisions in Judge Colville's Standing Order can be altered if it is in the interest of justice to do so.

8. FedEx needs the additional 5 pages in its memorandum in support of its Rule 11 Motions to adequately brief the numerous different Rule 11 issues FedEx has identified. Moreover, although not a typical dispositive motion, the Rule 11 Motion requests that the Court dismiss Plaintiffs' amended complaint without prejudice. Given the relief requested, giving FedEx the additional pages to adequately brief the bases for the requested relief is warranted.

9. For the foregoing reasons, FedEx respectfully requests an additional 5 pages, for a total of 25 pages, for its memorandum in support of its Rule 11 motion, in the event that it needs to be filed.

CERTIFICATE OF CONFERRAL

10. Pursuant to Local Rule 16.1.B.5 and Judge Colville's Standing Order and Procedures re: Civil Motion Practice, FedEx certifies that it has conferred in good faith with Plaintiffs' counsel before filing this motion and that Plaintiffs oppose the relief requested.

Dated: November 18, 2024

Respectfully submitted,

s/ Jessica G. Scott

Jessica G. Scott (CO 37287) (*pro hac vice*)

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CERTIFICATE OF SERVICE (CM/ECF)

I HEREBY CERTIFY that on November 18, 2024, I electronically filed the foregoing **FEDERAL EXPRESS CORPORATION'S MOTION FOR ADDITIONAL PAGES FOR MEMORANDUM IN SUPPORT OF RULE 11 MOTION** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following email addresses:

The following are those who are currently on the list to receive email notices for this case.

- **Sara R. Schalman-Bergen**
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s/ Jessica G. Scott
